

REMARKS

Applicant has carefully studied the Office Action of March 5, 2004 and offers the following remarks to accompany the above amendments. Applicant herein amends the independent claims to include the subject matter of claims 8, 20, and 28 and cancels claims 8, 20, and 28 as redundant. The claims define over the rejections of record and should be allowed for the reasons set forth below.

Claim 13 was objected to for having two elements that began with "a)"; Applicant herein amends claim 13 to eliminate the reference letters. No new matter is added, and the objectionable reference letter has been removed. Applicant requests withdrawal of the objection to claim 13 at this time.

Claims 1, 3-6, 9-13, 15-18, 21, and 23-26 were rejected under 35 U.S.C. § 103 as being unpatentable over O'Leary in view of Rallis.

Claims 1, 13, and 21 have been amended as described above. This makes the rejection over O'Leary and Rallis moot. However, Applicant addresses a deficiency within the rejection in the interests of completeness.

The Federal Circuit has instructed the Patent Office that when combining references, the Patent Office must: 1) articulate a motivation to combine the references, and 2) support the motivation by providing actual evidence as to from where the motivation comes. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Furthermore, the combination must show each and every claim element to establish obviousness. MPEP § 2143.03. If the Patent Office cannot establish obviousness, then the claims are patentable.

While the Patent Office opines that it would be obvious to combine O'Leary with Rallis to "allow personal information and computing software to be transported to accessing devices, creating improved security and accessibility," the Patent Office has not supported this motivation with the required actual evidence. Since the Patent Office has not provided the requisite actual evidence, the combination is improper and the references must be considered individually. The Patent Office admits that the references individually do not teach or suggest all the claim elements, and thus, the claims are patentable.

Claims 2, 7, 8, 14, 19, 20, 22, and 27 were rejected under 35 U.S.C. § 103 as being unpatentable over O'Leary in view of Rallis and further in view of Official Notice. Applicant respectfully traverses. The standard for determining obviousness is set forth above.

Furthermore, for the Patent Office to take Official Notice, the Patent Office must have reason to believe that the facts asserted to be well-known are capable of instant and unquestionable demonstration as being well-known. MPEP § 2144.03A.

Applicant initially traverses the rejection on the basis that the underlying combination of O'Leary and Rallis is improper as explained above.

Original claims 8, 20, and 28 (now claims 1, 13, and 21 respectively) were rejected on the basis that it was well known at the time of invention to remove legacy information from a host computer that was temporarily used. Applicant traverses this assertion. Applicant is unaware of any teaching or suggestion that was well-known at the time of invention that "in association with termination of the computing session, instruct[ing] the host computing device to remove records pertaining to the computing session from the host computing device to enhance privacy associated with the computing session." In the face of Applicant's challenge, the Patent Office is obligated to provide evidence of the veracity of its claim. MPEP § 2144.04C. In the absence of such evidence, the claims are allowable.

In light of the amendments, claims 1-7, 9-19, and 21-27 all include the removal function, which is not taught by the combination of records. Since the combination of records does not teach or suggest a claim element, the Patent Office has not established obviousness, and claims 1-7, 9-19, and 21-27 are patentable.

Applicant requests reconsideration of the rejection in light of the amendments and remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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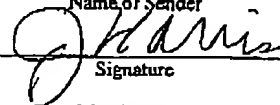
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